

BEFORE THE UNITED STATES JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION

IN RE: GOOGLE DIGITAL ADVERTISING
ANTITRUST LITIGATION

MDL No. 3010

NOTICE OF ERRATA CORRECTING FILING CAPTION

Movants hereby file this Errata correcting the filing case caption on the documents filed on February 27, 2023, in case No. 3010, [ECF No. 229] The Plaintiff States' Motion to Remand, and subsequent attachments, [ECF No. 229-1] Memorandum of Law, [ECF No. 229-2] Exhibit A- Affidavit of Ashley Keller, and [ECF No. 229-3] Proof of Service, with the pages attached hereto as Exhibit 1.

Date: March 3, 2023

Respectfully submitted,

/s/ Ashley Keller

Ashley Keller

Admitted Pro Hac Vice

ack@kellerpostman.com

Jason A. Zweig

jaz@kellerpostman.com

Brooke Clason Smith

brooke.smith@kellerpostman.com

150 N. Riverside Plaza, Suite 4100

Chicago, Illinois 60606

(312) 741-5220

Zina Bash

zina.bash@kellerpostman.com

111 Congress Avenue, Suite 500

Austin, TX 78701

(501) 690-0990

KELLER POSTMAN LLC

/s/ Mark Lanier

W. Mark Lanier (*lead counsel*)

Texas Bar No. 11934600

Mark.Lanier@LanierLawFirm.com

Alex J. Brown

Alex.Brown@LanierLawFirm.com

Zeke DeRose III

Zeke.DeRose@LanierLawFirm.com

10940 W. Sam Houston Parkway N. Suite 100

Houston, Texas 77064

Telephone: (713) 659-5200

Facsimile: (713) 659-2204

THE LANIER LAW FIRM, P.C.

*Attorneys for Plaintiff States of Texas, Idaho, Indiana, Louisiana (The Lanier Law Firm only), Mississippi,
North Dakota, South Carolina, and South Dakota*

FOR PLAINTIFF STATE OF TEXAS:

KEN PAXTON
Attorney General

/s/ Shawn E. Cowles

Brent Webster, First Assistant Attorney
General of Texas

Brent.Webster@oag.texas.gov

Grant Dorfman, Deputy First Assistant
Attorney General

Grant.Dorfman@oag.texas.gov

Aaron Reitz, Deputy Attorney General for
Legal Strategy Aaron.Reitz@oag.texas.gov

Shawn E. Cowles, Deputy Attorney
General for Civil Litigation

Shawn.Cowles@oag.texas.gov

James R. Lloyd, Chief, Antitrust
Division

James.Lloyd@oag.texas.gov

Trevor Young, Deputy Chief,
Antitrust Division

Trevor.Young@oag.texas.gov

OFFICE OF THE ATTORNEY GENERAL OF TEXAS

P.O. Box 12548

Austin, TX 78711-2548

(512) 936-1674

Attorneys for Plaintiff State of Texas

FOR PLAINTIFF STATE OF ALASKA:

TREG TAYLOR
Attorney General

By : /s/ Christopher A. Robison
Jeff Pickett
Senior Assistant Attorney General, Special Litigation Section
Christopher A. Robison
Senior Assistant Attorney General, Special Litigation Section
jeff.pickett@alaska.gov
chris.robison@alaska.gov

Attorney for Plaintiff State of Alaska

FOR PLAINTIFF STATE OF ARKANSAS:

TIM GRIFFIN
ATTORNEY GENERAL

By: 

AMANDA J. WENTZ

Ark. Bar No. 2021066

Assistant Attorney General

Office of the Arkansas Attorney General

323 Center Street, Suite 200

Little Rock, AR 72201

(501) 682-1178

Amanda.Wentz@ArkansasAG.gov

Attorney for Plaintiff State of Arkansas

FOR PLAINTIFF STATE OF FLORIDA:

ASHLEY MOODY, Attorney General

/s/ R. Scott Palmer

R. SCOTT PALMER, Special Counsel, Complex Enforcement
Chief, FL Bar No. 220353

JOHN GUARD, Chief Deputy Attorney General

LEE ISTRAIL, Assistant Attorney General

ANDREW BUTLER, Assistant Attorney General

CHRISTOPHER KNIGHT, Assistant Attorney General

Office of the Attorney General, State of Florida

PL-01 The Capitol

Tallahassee, Florida 32399

Phone: 850-414-3300

Email: scott.palmer@myfloridalegal.com

Attorneys for Plaintiff State of Florida

FOR PLAINTIFF STATE OF IDAHO:

RAÚL R. LABRADOR
ATTORNEY GENERAL

/s/ John K. Olson

John K. Olson

Acting Division Chief

Consumer Protection Division

Office of the Attorney General 954

W. Jefferson Street, 2nd Floor

P.O. Box 83720

Boise, Idaho 83720-0010

Telephone: (208) 334-2424

john.olson@ag.idaho.gov

Attorneys for Plaintiff State of Idaho

FOR PLAINTIFF STATE OF INDIANA:

THEODORE E. ROKITA

Attorney General

The Office of the Indiana Attorney General

By:



Scott Barnhart

Chief Counsel and Director of Consumer Protection

Indiana Atty. No. 25474-82

Indiana Government Center South - 5th Fl. 302

W. Washington Street

Indianapolis, IN 46204-2770

Phone: (317) 232-6309

Fax: (317) 232-7979

Email: scott.barnhart@atg.in.gov



Matthew Michaloski

Deputy Attorney General

Indiana Atty. No. 35313-49

Indiana Government Center South - 5th Fl. 302

W. Washington Street

Indianapolis, IN 46204-2770

Phone: (317) 234-1479

Fax: (317) 232-7979

Email: matthew.michaloski@atg.in.gov

Attorneys for Plaintiff State of Indiana

FOR PLAINTIFF COMMONWEALTH OF KENTUCKY:

DANIEL CAMERON
Attorney General

J. Christian Lewis
Commissioner of the Office of Consumer Protection

A handwritten signature in black ink, appearing to read 'Philip R. Heleringer', is written over a horizontal line.

Christian.Lewis@ky.gov

Philip R. Heleringer, Executive Director of the Office of Consumer Protection

Philip.Heleringer@ky.gov

Jonathan E. Farmer, Deputy Executive Director of the Office of Consumer Protection

Jonathan.Farmer@ky.gov

Office of the Attorney General

Commonwealth of Kentucky

1024 Capital Center Drive, Suite 200

Frankfort, Kentucky 40601

Tel: 502-696-5300

Attorneys for Commonwealth of Kentucky

FOR PLAINTIFF STATE OF LOUISIANA:

HON. JEFF LANDRY
ATTORNEY GENERAL, STATE OF LOUISIANA
Michael Dupree
Christopher J. Alderman
1885 N. 3rd Street
Baton Rouge, LA 70802

s/ James R. Dugan, II
James R. Dugan, II (*pro hac vice*)
TerriAnne Benedetto (*pro hac vice*)
The Dugan Law Firm
365 Canal Street
One Canal Place, Suite 1000
New Orleans, LA 70130 PH:
(504) 648-0180
FX: (504) 649-0181
EM: jdugan@dugan-lawfirm.com
tbenedetto@dugan-lawfirm.com

James Williams
CHEHARDY SHERMAN WILLIAM, LLP
Galleria Boulevard, Suite 1100
Metairie, LA 70001
PH: (504) 833-5600
FX: (504) 833-8080
EM: jmw@chehardy.com

Attorneys for the State of Louisiana

FOR PLAINTIFF STATE OF MISSISSIPPI:

LYNN FITCH, ATTORNEY GENERAL STATE
OF MISSISSIPPI

By: /s/ Hart Martin
Hart Martin
Consumer Protection Division
Mississippi Attorney General's Office
Post Office Box 220
Jackson, Mississippi 39205
Telephone: 601-359-4223
Fax: 601-359-4231
Hart.martin@ago.ms.gov

Attorney for Plaintiff State of Mississippi

FOR PLAINTIFF STATE OF MISSOURI:

ANDREW BAILEY
Attorney General

A handwritten signature in black ink, appearing to read "Amy Haywood". The signature is written in a cursive, flowing style.

Amy.Haywood@ago.mo.gov

Missouri Attorney General's Office
P.O. Box 899
Jefferson City, Missouri 65102
Tel: 816-889-3090

Attorneys for Plaintiff State of Missouri

FOR PLAINTIFF STATE OF MONTANA:

AUSTIN KNUDSEN
Montana Attorney General

/s/ Rebekah French
Montana Attorney General's Office
P.O. Box 200151
Helena, MT 59620-0151
Phone: (406) 444-4500
Fax: (406) 442-1894
Rebekah.French@mt.gov

/s/ Charles J. Cooper
Charles J. Cooper
ccooper@cooperkirk.com
David H. Thompson
dthompson@cooperkirk.com
Brian W. Barnes
bbarnes@cooperkirk.com
Harold S. Reeves
hreeves@cooperkirk.com

COOPER & KIRK PLLC
1523 New Hampshire Avenue, NW
Washington DC 20036
Phone: (202) 220-9620
Fax: (202) 220-9601

Attorneys for Plaintiff State of Montana

FOR PLAINTIFF STATE OF NEVADA:

AARON D. FORD
Attorney General ERNEST
D. FIGUEROA
Consumer Advocate

/s/ Michelle C. Newman

Michelle C. Newman, Senior Deputy
Attorney General

mnewman@ag.nv.gov

Lucas J. Tucker (NV Bar No. 10252)

Senior Deputy Attorney General

L.Tucker@ag.nv.gov

Office of the Nevada Attorney General

100 N. Carson St.

Carson City, Nevada 89701 Tel:

(775) 684-1100

Attorneys for Plaintiff State of Nevada

FOR PLAINTIFF STATE OF NORTH DAKOTA:

STATE OF NORTH DAKOTA

Drew H. Wrigley
Attorney General

By: /s/ Elin S. Alm
Parrell D. Grossman, ND ID 04684
Elin S. Alm, ND ID 05924
Assistant Attorneys General
Consumer Protection & Antitrust Division
Office of Attorney General of North Dakota
1720 Burlington Drive, Suite C
Bismarck, ND 58503-7736
(701) 328-5570
(701) 328-5568 (fax)
pgrossman@nd.gov
ealm@nd.gov

Attorneys for Plaintiff State of North Dakota

FOR PLAINTIFF COMMONWEALTH OF PUERTO RICO:

/s/ Domingo Emanuelli-Hernández

Domingo Emanuelli-Hernández

Attorney General

Thaizza Rodríguez Pagán

Assistant Attorney General

PR Bar No. 17177

P.O. Box 9020192

San Juan, Puerto Rico 00902-0192 Tel:

(787) 721-2900, ext. 1201, 1204

trodriguez@justicia.pr.gov

Kyle G. Bates

HAUSFELD LLP

600 Montgomery Street, Suite 3200

San Francisco, CA 94111

Attorneys for Plaintiff Commonwealth of Puerto Rico

FOR PLAINTIFF STATE OF SOUTH CAROLINA:

ALAN WILSON
Attorney General

/s/ Mary Frances Jowers

Mary Frances Jowers
Assistant Deputy Attorney General
Rebecca M. Hartner (S.C. Bar No. 101302) Assistant
Attorney General
W. Jeffrey Young
Chief Deputy Attorney General
C. Havird Jones, Jr.
Senior Assistant Deputy Attorney General
South Carolina Attorney General's Office
P.O. Box 11549
Columbia, South Carolina 29211-1549
Phone: 803-734-3996
Email: mfjowers@scag.gov

Charlie Condon
Charlie Condon Law Firm, LLC
880 Johnnie Dodds Blvd, Suite 1
Mount Pleasant, SC 29464 Phone:
843-884-8146
Email: charlie@charliecondon.com

James R. Dugan, II (*pro hac vice*) The
Dugan Law Firm
365 Canal Street
One Canal Place, Suite 1000
New Orleans, LA 70130 Phone:
(504) 648-0180
Email: jdugan@dugan-lawfirm.com

Attorneys for Plaintiff State of South Carolina

FOR PLAINTIFF STATE OF SOUTH DAKOTA:

MARTY JACKLEY
Attorney General

/s/ Jonathan Van Patten

Jonathan Van Patten
Assistant Attorney General
Office of the Attorney General
1302 E. Highway 14, Suite 1
Pierre, SD 57501
Tel: 605-773-3215
jonathan.vanpatten@state.sd.us

Attorney for Plaintiff State of South Dakota

FOR PLAINTIFF STATE OF UTAH:

Sean D. Reyes
Utah Attorney General

/s/ Marie W.L. Martin
Marie W.L. Martin
Assistant Attorney General
160 East 300 South, 5th Floor
P.O. Box 140874
Salt Lake City, UT 84114-0872
mwmartin@agutah.gov
Telephone: (801) 538-9600

Attorneys for Plaintiff State of Utah and as counsel for the Utah Division of Consumer Protection

Exhibit 1

BEFORE THE UNITED STATES JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION

IN RE: GOOGLE DIGITAL ADVERTISING
ANTITRUST LITIGATION

MDL No. 3010

THE PLAINTIFF STATES' MOTION PURSUANT TO 28 U.S.C. § 1407 FOR REMAND
TO THE EASTERN DISTRICT OF TEXAS AND TO EXPEDITE BRIEFING AND
CONSIDERATION OF MOTION

The Plaintiff States respectfully move this Panel under 28 U.S.C. § 1407 for an order transferring the above titled action to the United States District Court for the Eastern District of Texas.

In support of their Motion, the States assert as follows:

1. On December 29, 2022, President Biden signed into law the State Antitrust Enforcement Act of 2021 (the "Venue Act"). See Consolidated Appropriations Act, 2023, Pub. L. No. 117-328, Div. gg, Title III, § 301, 136 Stat. 4459, 5970 (2022). The Venue Act removes state antitrust enforcement actions, like the State Plaintiffs' lawsuit, from the ambit of the Multidistrict Litigation Act.

2. The Venue Act applies to *The State of Texas, et al. v. Google LLC*, No. 1:21-cv-6841-PKC (S.D.N.Y. 2021).

a. The Venue Act applies to the States' lawsuit because it merely changes a procedural rule. The Supreme Court has held that "[c]hanges in procedural rules may often be applied in suits arising before their enactment without raising concerns about retroactivity." *Landgraf v. USI Film Prod.*, 511 U.S. 244, 275

BEFORE THE UNITED STATES JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION

IN RE: GOOGLE DIGITAL ADVERTISING
ANTITRUST LITIGATION

MDL No. 3010

THE PLAINTIFF STATES' MEMORANDUM IN SUPPORT OF REMAND
TO THE EASTERN DISTRICT OF TEXAS

BEFORE THE UNITED STATES JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION

IN RE: GOOGLE DIGITAL ADVERTISING
ANTITRUST LITIGATION

MDL No. 3010

AFFIDAVIT IN SUPPORT OF MOTION FOR REMAND

Pursuant to Rule 10.3(a)(i) of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, Keller Postman LLC states as follows:

1. I, Ashley C. Keller, am a Partner with Keller Postman LLC, and I make this Affidavit in support of the Plaintiff States' Motion for Remand to the Eastern District of Texas.
2. The Plaintiff States have not previously requested a suggestion of remand with Judge Castel of the Southern District of New York in, *In Re: Google Digital Advertising Antitrust Litigation* concerning the Plaintiff States.
3. The Parties began discovery on November 21, 2022 with the entry of Pre-Trial Order No. 5/Scheduling Order (ECF No. 394), and the Plaintiff States have complied with all Orders entered by Judge Castel in the consolidated action in SDNY, *In Re: Google Digital Advertising Antitrust Litigation*.

BEFORE THE UNITED STATES JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION

IN RE: GOOGLE DIGITAL ADVERTISING
ANTITRUST LITIGATION

MDL No. 3010

PROOF OF SERVICE

In compliance with Rule 4.1(a) of the Rules of Procedure for the United States Judicial Panel on Multidistrict Litigation, I hereby certify that copies of the foregoing Motion to Remand and associated pleadings were filed electronically with the Clerk of the JPML using the CM/ECF System and were served electronically on all counsel of record and/or in the manner indicated below:

Clerk of the Courts (via U.S. Mail)

Daniel Patrick Moynihan
United States Courthouse
Attn: Clerk of the Court
500 Pearl Street
New York, New York, 10007

United States Courthouse
Sherman Division
Attn: Clerk of the Court
7940 Preston Road Room 101
Plano, Texas 75024

Defendants (via FedEx)

Justina K. Sessions
**WILSON SONSINI GOODRICH &
ROSATI**
Professional Corporation
One Market Plaza
Spear Tower, Suite 3300
San Francisco, California 94105

Kevin J. Orsini
Brittany L. Sukiennik
CRAVATH, SWAINE & MOORE LLP
825 Eighth Avenue
New York, NY 10019

Eric Mahr
**FRESHFIELDS BRUCKHAUS
DERINGER US LLP**
700 13th Street, NW
10th Floor
Washington, DC 20005

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IN RE: GOOGLE DIGITAL ADVERTISING
ANTITRUST LITIGATION

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Clerk of the Courts (via U.S. Mail)

Daniel Patrick Moynihan
United States Courthouse
Attn: Clerk of the Court
500 Pearl Street
New York, New York, 10007

United States Courthouse
Sherman Division
Attn: Clerk of the Court
7940 Preston Road Room 101
Plano, Texas 75024

Defendants (via U.S. Mail)

Justina K. Sessions
**WILSON SONSINI GOODRICH &
ROSATI**
Professional Corporation
One Market Plaza
Spear Tower, Suite 3300
San Francisco, California 94105

Eric Mahr
**FRESHFIELDS BRUCKHAUS
DERINGER US LLP**
700 13th Street, NW
10th Floor
Washington, DC 20005

Kevin J. Orsini
Brittany L. Sukiennik
CRAVATH, SWAINE & MOORE LLP
825 Eighth Avenue
New York, NY 10019

Lead Counsel for the Publisher Class (via U.S. Mail)

David Boies
BOIES SCHILLER FLEXNER LLP
333 Main Street
Armonk, NY 10504

Interim Co-Lead Counsel for the Proposed Advertiser Class (via U.S. Mail)

Dena C. Sharp
GIRARD SHARP LLP
601 California Street, Suite 1400
San Francisco, CA 94108

Tina Wolfson
AHDOOT & WOLFSON, PC
2600 West Olive Ave., Suite 500
Burbank, CA 91505

Dated: March 3, 2023

Respectfully submitted,

/s/ Ashley Keller

Ashley Keller

Admitted Pro Hac Vice

ack@kellerpostman.com

Jason A. Zweig

jaz@kellerpostman.com

Brooke Clason Smith

brooke.smith@kellerpostman.com

150 N. Riverside Plaza, Suite 4100

Chicago, Illinois 60606

(312) 741-5220

Zina Bash

zina.bash@kellerpostman.com

111 Congress Avenue, Suite 500

Austin, TX 78701

(501) 690-0990

KELLER POSTMAN LLC

/s/ Mark Lanier

W. Mark Lanier (*lead counsel*)

Texas Bar No. 11934600

Mark.Lanier@LanierLawFirm.com

Alex J. Brown

Alex.Brown@LanierLawFirm.com

Zeke DeRose III

Zeke.DeRose@LanierLawFirm.com

10940 W. Sam Houston Parkway N. Suite 100

Houston, Texas 77064

Telephone: (713) 659-5200

Facsimile: (713) 659-2204

THE LANIER LAW FIRM, P.C.

*Attorneys for Plaintiff States of Texas, Idaho, Indiana, Louisiana (The Lanier Law Firm only), Mississippi,
North Dakota, South Carolina, and South Dakota*

FOR PLAINTIFF STATE OF TEXAS:

KEN PAXTON
Attorney General

/s/ Shawn E. Cowles

Brent Webster, First Assistant Attorney
General of Texas

Brent.Webster@oag.texas.gov

Grant Dorfman, Deputy First Assistant
Attorney General

Grant.Dorfman@oag.texas.gov

Aaron Reitz, Deputy Attorney General for
Legal Strategy Aaron.Reitz@oag.texas.gov

Shawn E. Cowles, Deputy Attorney
General for Civil Litigation

Shawn.Cowles@oag.texas.gov

James R. Lloyd, Chief, Antitrust
Division

James.Lloyd@oag.texas.gov

Trevor Young, Deputy Chief,
Antitrust Division

Trevor.Young@oag.texas.gov

OFFICE OF THE ATTORNEY GENERAL OF TEXAS

P.O. Box 12548

Austin, TX 78711-2548

(512) 936-1674

Attorneys for Plaintiff State of Texas

FOR PLAINTIFF STATE OF ALASKA:

TREG TAYLOR
Attorney General

By : /s/ Christopher A. Robison

Jeff Pickett

Senior Assistant Attorney General, Special Litigation Section

Christopher A. Robison

Senior Assistant Attorney General, Special Litigation Section

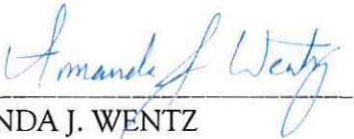
jeff.pickett@alaska.gov

chris.robison@alaska.gov

Attorney for Plaintiff State of Alaska

FOR PLAINTIFF STATE OF ARKANSAS:

TIM GRIFFIN
ATTORNEY GENERAL

By: 
AMANDA J. WENTZ
Ark. Bar No. 2021066
Assistant Attorney General
Office of the Arkansas Attorney General
323 Center Street, Suite 200
Little Rock, AR 72201
(501) 682-1178
Amanda.Wentz@ArkansasAG.gov

Attorney for Plaintiff State of Arkansas

FOR PLAINTIFF STATE OF FLORIDA:

ASHLEY MOODY, Attorney General

/s/ R. Scott Palmer

R. SCOTT PALMER, Special Counsel, Complex Enforcement
Chief, FL Bar No. 220353

JOHN GUARD, Chief Deputy Attorney General

LEE ISTRAIL, Assistant Attorney General

ANDREW BUTLER, Assistant Attorney General

CHRISTOPHER KNIGHT, Assistant Attorney General

Office of the Attorney General, State of Florida

PL-01 The Capitol

Tallahassee, Florida 32399

Phone: 850-414-3300

Email: scott.palmer@myfloridalegal.com

Attorneys for Plaintiff State of Florida

FOR PLAINTIFF STATE OF IDAHO:

RAÚL R. LABRADOR
ATTORNEY GENERAL

/s/ John K. Olson

John K. Olson

Acting Division Chief

Consumer Protection Division

Office of the Attorney General 954

W. Jefferson Street, 2nd Floor

P.O. Box 83720

Boise, Idaho 83720-0010

Telephone: (208) 334-2424

john.olson@ag.idaho.gov

Attorneys for Plaintiff State of Idaho

FOR PLAINTIFF STATE OF INDIANA:

THEODORE E. ROKITA

Attorney General

The Office of the Indiana Attorney General

By:



Scott Barnhart

Chief Counsel and Director of Consumer Protection

Indiana Atty. No. 25474-82

Indiana Government Center South - 5th Fl. 302

W. Washington Street

Indianapolis, IN 46204-2770

Phone: (317) 232-6309

Fax: (317) 232-7979

Email: [scott.barnhart\[atg.in.gov](mailto:scott.barnhart[atg.in.gov)



Matthew Michaloski

Deputy Attorney General

Indiana Atty. No. 35313-49

Indiana Government Center South - 5th Fl. 302

W. Washington Street

Indianapolis, IN 46204-2770

Phone: (317) 234-1479

Fax: (317) 232-7979

Email: [matthew.michaloski\[atg.in.gov](mailto:matthew.michaloski[atg.in.gov)

Attorneys for Plaintiff State of Indiana

FOR PLAINTIFF COMMONWEALTH OF KENTUCKY:

DANIEL CAMERON

Attorney General

J. Christian Lewis

Commissioner of the Office of Consumer Protection

A handwritten signature in black ink, appearing to read "Philip R. Heleringer", written over a horizontal line.

Christian.Lewis@ky.gov

Philip R. Heleringer, Executive Director of the Office of Consumer Protection

Philip.Heleringer@ky.gov

Jonathan E. Farmer, Deputy Executive Director of the Office of Consumer Protection

Jonathan.Farmer@ky.gov

Office of the Attorney General

Commonwealth of Kentucky

1024 Capital Center Drive, Suite 200

Frankfort, Kentucky 40601

Tel: 502-696-5300

Attorneys for Commonwealth of Kentucky

FOR PLAINTIFF STATE OF LOUISIANA:

HON. JEFF LANDRY
ATTORNEY GENERAL, STATE OF LOUISIANA
Michael Dupree
Christopher J. Alderman
1885 N. 3rd Street
Baton Rouge, LA 70802

s/ James R. Dugan, II
James R. Dugan, II (*pro hac vice*)
TerriAnne Benedetto (*pro hac vice*)
The Dugan Law Firm
365 Canal Street
One Canal Place, Suite 1000
New Orleans, LA 70130 PH:
(504) 648-0180
FX: (504) 649-0181
EM: jdugan@dugan-lawfirm.com
tbenedetto@dugan-lawfirm.com

James Williams
CHEHARDY SHERMAN WILLIAM, LLP
Galleria Boulevard, Suite 1100
Metairie, LA 70001
PH: (504) 833-5600
FX: (504) 833-8080
EM: jmw@chehardy.com

Attorneys for the State of Louisiana

FOR PLAINTIFF STATE OF MISSISSIPPI:

LYNN FITCH, ATTORNEY GENERAL STATE
OF MISSISSIPPI

By: /s/ Hart Martin
Hart Martin
Consumer Protection Division
Mississippi Attorney General's Office
Post Office Box 220
Jackson, Mississippi 39205
Telephone: 601-359-4223
Fax: 601-359-4231
Hart.martin@ago.ms.gov

Attorney for Plaintiff State of Mississippi

FOR PLAINTIFF STATE OF MISSOURI:

ANDREW BAILEY

Attorney General

A handwritten signature in black ink, appearing to read "Amy Haywood". The signature is fluid and cursive, with the first name "Amy" and last name "Haywood" clearly distinguishable.

Amy.Haywood@ago.mo.gov

Missouri Attorney General's Office

P.O. Box 899

Jefferson City, Missouri 65102

Tel: 816-889-3090

Attorneys for Plaintiff State of Missouri

FOR PLAINTIFF STATE OF MONTANA:

AUSTIN KNUDSEN
Montana Attorney General

/s/ Rebekah French
Montana Attorney General's Office
P.O. Box 200151
Helena, MT 59620-0151
Phone: (406) 444-4500
Fax: (406) 442-1894
Rebekah.French@mt.gov

/s/ Charles J. Cooper
Charles J. Cooper
ccooper@cooperkirk.com
David H. Thompson
dthompson@cooperkirk.com
Brian W. Barnes
bbarnes@cooperkirk.com
Harold S. Reeves
hreeves@cooperkirk.com

COOPER & KIRK PLLC
1523 New Hampshire Avenue, NW
Washington DC 20036
Phone: (202) 220-9620
Fax: (202) 220-9601

Attorneys for Plaintiff State of Montana

FOR PLAINTIFF STATE OF NEVADA:

AARON D. FORD
Attorney General ERNEST
D. FIGUEROA
Consumer Advocate

/s/ Michelle C. Newman

Michelle C. Newman, Senior Deputy
Attorney General

mnewman@ag.nv.gov

Lucas J. Tucker (NV Bar No. 10252)
Senior Deputy Attorney General

LTucker@ag.nv.gov

Office of the Nevada Attorney General
100 N. Carson St.
Carson City, Nevada 89701 Tel:
(775) 684-1100

Attorneys for Plaintiff State of Nevada

FOR PLAINTIFF STATE OF NORTH DAKOTA:

STATE OF NORTH DAKOTA

Drew H. Wrigley
Attorney General

By: /s/ Elin S. Alm
Parrell D. Grossman, ND ID 04684
Elin S. Alm, ND ID 05924
Assistant Attorneys General
Consumer Protection & Antitrust Division
Office of Attorney General of North Dakota
1720 Burlington Drive, Suite C
Bismarck, ND 58503-7736
(701) 328-5570
(701) 328-5568 (fax)
pgrossman@nd.gov
calm@nd.gov

Attorneys for Plaintiff State of North Dakota

FOR PLAINTIFF COMMONWEALTH OF PUERTO RICO:

/s/ Domingo Emanuelli-Hernández

Domingo Emanuelli-Hernández

Attorney General

Thaizza Rodríguez Pagán

Assistant Attorney General

PR Bar No. 17177

P.O. Box 9020192

San Juan, Puerto Rico 00902-0192 Tel:

(787) 721-2900, ext. 1201, 1204

trodriguez@justicia.pr.gov

Kyle G. Bates

HAUSFELD LLP

600 Montgomery Street, Suite 3200

San Francisco, CA 94111

Attorneys for Plaintiff Commonwealth of Puerto Rico

FOR PLAINTIFF STATE OF SOUTH CAROLINA:

ALAN WILSON
Attorney General

/s/ Mary Frances Jowers

Mary Frances Jowers
Assistant Deputy Attorney General
Rebecca M. Hartner (S.C. Bar No. 101302) Assistant
Attorney General
W. Jeffrey Young
Chief Deputy Attorney General
C. Havird Jones, Jr.
Senior Assistant Deputy Attorney General
South Carolina Attorney General's Office
P.O. Box 11549
Columbia, South Carolina 29211-1549
Phone: 803-734-3996
Email: mfjowers@scag.gov

Charlie Condon
Charlie Condon Law Firm, LLC
880 Johnnie Dodds Blvd, Suite 1
Mount Pleasant, SC 29464 Phone:
843-884-8146
Email: charlie@charliecondon.com

James R. Dugan, II (*pro hac vice*) The
Dugan Law Firm
365 Canal Street
One Canal Place, Suite 1000
New Orleans, LA 70130 Phone:
(504) 648-0180
Email: jdugan@dugan-lawfirm.com

Attorneys for Plaintiff State of South Carolina

FOR PLAINTIFF STATE OF SOUTH DAKOTA:

MARTY JACKLEY
Attorney General

/s/ Jonathan Van Patten
Jonathan Van Patten
Assistant Attorney General
Office of the Attorney General
1302 E. Highway 14, Suite 1
Pierre, SD 57501
Tel: 605-773-3215
jonathan.vanpatten@state.sd.us

Attorney for Plaintiff State of South Dakota

FOR PLAINTIFF STATE OF UTAH:

Sean D. Reyes
Utah Attorney General

/s/ Marie W.L. Martin
Marie W.L. Martin
Assistant Attorney General
160 East 300 South, 5th Floor
P.O. Box 140874
Salt Lake City, UT 84114-0872
mwmartin@agutah.gov
Telephone: (801) 538-9600

Attorneys for Plaintiff State of Utah and as counsel for the Utah Division of Consumer Protection